IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.V.K.BALI
&
THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 21ST DECEMBER 2006 / 30TH AGRAHAYANA 1928

WA.No. 2324 of 2006()

AGAINST THE JUDGEMENT/ORDER IN WPC.29651/2005 Dated 09/01/2006
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APPELLANT: PETITIONERS
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1. CHANDRAN,
KALLUPURAKKAL VEEDU, MAHADEVIKADU MURI,
KARTHIKAPPALLY VILLAGE.

2. SUKUMARY, W/O. CHANDRAN,
MAHADEVIKADU MURI, KARTHIKAPPALLY TALUK.

BY ADV. SRI.ZAKEER HUSSAIN
SMT.K.A.SANJEETHA

RESPONDENTS: RESPONDENTS
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1. STATE OF KERALA, REPRESENTED BY
THE SECRETARY, REVENUE DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. THE COMMISSIONER,
THE LAND REVENUE COMMISSIONERATE,
THIRUVANANTHAPURAM.

3. THE DISTRICT COLLECTOR,
ALAPPUZHA.

4. SECRETARY,
KARTHIKAPALLY GRAMA PANCHAYAT.

5. SPECIAL TAHSILDAR,
LAND ACQUISITION(G), ALAPPUZHA.

6. RAJAN,
PANTHPLAVAIL HOUSE, MAHADEVIKADU MURI,
KARTHIKAPPILLY VILLAGE.

R1 TO R3 & R5 BY G.P. SRI. T.B. HOOD
R4 BY ADV. SRI. HARIRAJ
R6 BY ADV. SRI. P.A. KUMARAN

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD
ON 11/12/2006, THE COURT ON 21/12/2006 DELIVERED THE
FOLLOWING:

V. K. BALI, C.J. &
C.N.RAMACHANDRAN NAIR, J.

W.A. NO. 2324 OF 2006

Dated this the day of December, 2006

JUDGMENT

Ramachandran Nair,J.

This Writ Appeal is filed challenging the judgment of the learned single Judge upholding acquisition of petitioners' land for road widening. We have heard counsel appearing on both sides.

2. Appellants raised the same contentions raised before the learned single Judge. The main ground of challenge is that acquisition of land for road widening is for the benefit of sixth respondent who was a member of the Panchayat. Even though petitioners' allegation is that fourth respondent-Panchayat took up acquisition proceedings for helping construction of the road to the sixth respondent's house, we find that purpose of acquisition is for widening an existing road. Further, it is to be noted that acquisition was recommended by the Grama Sabha to the Panchayat which approved the same. When a public body like Panchayat claims that the acquisition is for public purpose, Court has no authority to hold against it. Moreover in this

case admittedly the purpose of acquisition is road widening and the land in question is located at the end of the road. Even if ex-Member of the Panchayat is a beneficiary of the public road, the same does not change the purpose of acquisition. In view of the clear cut findings of the learned single Judge on facts regarding acquisition purpose, we decline to interfere with the order of the learned single Judge. We accordingly dismiss the Writ Appeal.

(V. K. BALI)
Chief Justice

(C.N.RAMACHANDRAN NAIR)
Judge

(K.M.JOSEPH)
Judge